

OBER | KALER
A Professional Corporation

Ober, Kaler, Grimes & Shriver
Attorneys at Law

120 East Baltimore Street
Baltimore, MD 21202-1643
410-685-1120 / Fax 410-547-0699
www.ober.com

Pamela J. White
pjwhite@ober.com
410-347-7323

Offices In
Maryland
Washington, D.C.
Virginia

May 18, 2004

VIA FACSIMILE AND U.S. MAIL

David L. Gollin, Esquire
David Landau, Esquire
WOLF, BLOCK, SCHORR AND SOLIS-
COHEN, LLP
1650 Arch Street, 22nd Floor
Philadelphia, Pennsylvania 19103

Re: *EEOC v. LA Weight Loss Centers - Civil No.: S-02-CV-648*

Dear Counsel:

We address the matter of timing of Kathy Koch's intended Motion for Sanctions, currently due to be filed on Monday, June 7, 2004.

We have communicated in recent weeks about the timing of your responses to Koch's outstanding discovery requests and pursuant to Judge Grimm's Order dated April 6, 2004; at one point you advised of your intention not to engage in a piece-meal production. On May 11, 2004 (by fax on May 7), we received eight pages of supplemental interrogatory answers, copies of three documents (letters dated in 1998 by White), and two short Affidavits of Kristi O'Brien and Karen Siegel.¹ My letter dated May 13, 2004, with attachments, explained Koch's dissatisfaction with the responses of LA Weight Loss, noted our intention to file a Rule 37(b) Motion for Sanctions, and invited your attention to "several critical points" of concern with your responses.

Your letter dated May 14, 2004 reports in pertinent part that "Defendant will produce all non-privileged correspondence by or to Defendant concerning Kathy Koch, and to the EEOC or any other person concerning Kathy Koch prepared prior to the filing of the Complaint in this matter on or before Friday, May 21, 2004. In addition, if any responsive documents are withheld from production on the basis of privilege, an appropriate privilege log will be provided at that

¹ We noted your "objection" on April 19, 2004 to Judge Grimm's Order, specifically referring to Request for Production of Documents No. 7; Koch has not responded to oppose your "objection". We also received your Opposition to Koch's Statement for costs and fees on April 26 and replied to that opposition on April 29.

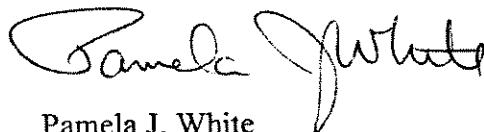
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time.” You have requested that Koch not file a motion for sanctions until after you provide and discuss further supplemental responses on or before May 21, 2004.²

We expect to review and address promptly any further production(s) by LA Weight Loss; we are available to discuss concerns about discovery at any time. We do not currently expect to need any extension of time, after June 7, in which to file the 37(b) motion. However, if the breadth of production or your further responses might require additional time for production (or my examination), I will agree with any reasonable request to Judge Grimm for an allowance of extra time.

Very truly yours,



Pamela J. White

PJW/cks

cc: Honorable Paul Grimm
Ronald Phillips, Esquire

² If you not plan to make original documents available for my inspection on May 21, I request the opportunity to inspect the originals at Philadelphia on June 1, contemporaneously with the Dawn Lang deposition.
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